

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1539 of 2021

C.Vishnu Parthiban

... Petitioner

Vs.

1. The Commissioner of Police,
Salem City, Salem-636 002.

2. The Inspector of Police,
Kanangurichi Police Station,
Salem.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 26.12.2020 and remove the name of the petitioner from the History Sheet No.358/2016 within stipulated time.

For Petitioner : Mr.Swami Subramanian

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents Police to consider the representation made by the petitioner dated 26.12.2020, wherein the petitioner has sought for removal of his name from the history sheet maintained by the second respondent in HS.No.358 of 2016.

2. The case of the petitioner is that the second respondent Police registered an FIR in Crime Nos.23 of 2013 and 24 of 2013 and both the cases were investigated together and a final report came to be filed before the Principal District Court, Salem and the same is pending in S.C.No.28 of 2018. In this case, the petitioner has been arrayed as A1. Thereafter, one more FIR came to be registered by the second respondent Police in Crime No.192 of 2016 and on completion of investigation, the final report has been filed before the Additional Mahila Court (Magistrate

Level), Salem and the same was taken on file in CC.No.584 of 2019. According to the petitioner, both these cases are pending.

3. The grievance of the petitioner is that the second respondent Police had opened a history sheet in HS.No.358 of 2016 against the petitioner and after the year 2016, no case was registered as against the petitioner. The petitioner, therefore, made a representation to the respondent Police to remove his name from the history sheet. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.Swami Subramanian, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for by the petitioner, there shall be a direction to the second respondent Police to consider the representation made by the petitioner dated 26.12.2020 and deal with the same in accordance with the guidelines issued by this Court in Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L & O) Range, Madurai City, Madurai and others reported in 2018 (4) MLJ crl. 585 and in the case of Thirumurugan and another Vs. Superintendent of Police, Madurai District, Alagarkovil road, Madurai and others reported in 2020 (2) LW CrL.266. The second respondent shall take a decision within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli
To

1. The Commissioner of Police,
Salem City, Salem-636 002.

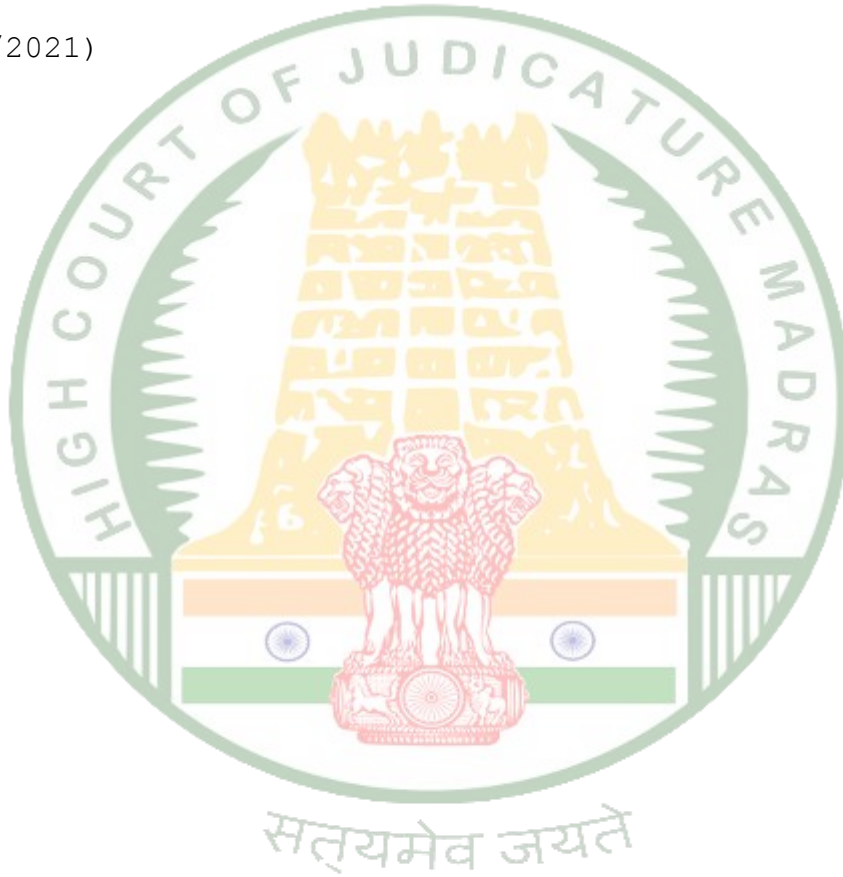
2. The Inspector of Police,
Kanangurichi Police Station,
Salem.

3. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+1 cc to Mr.M.Swami Subramanian, Advocate Sr.No. 4698

W.P.No.1539 of 2021

NRL (CO)
RMP (24/03/2021)



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